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Coal Ash Taking Points

- EPA promulgated a rule, published in the *Federal Register* on April 17, 2015, concerning the disposal of coal combustion residuals (CCRs) from electric utilities.
- EPA issued the rule to provide a comprehensive set of requirements for the safe disposal of CCRs, commonly known as coal ash, from coal-fired power plants. The final rule is the culmination of extensive study on the effects of coal ash on the environment and public health. The rule establishes technical requirements for CCR landfills and surface impoundments under subtitle D of the Resource Conservation and Recovery Act, the nation's primary law for regulating solid waste.
- Further information about the rule can be found at <https://www.epa.gov/coalash/coal-ash-rule#summary>.
- As a result of litigation on the rule, EPA agreed in 2016 to a remand of certain technical provisions of the rule, and the Agency has begun work on a proposed rule to address those issues. The litigation continues in the U.S. Court of Appeals for the D.C. Circuit regarding certain other portions of the rule.
- Permitted municipal solid waste landfills (MSWLFs) are not subject to the requirements of EPA's CCR rule. (See 40 C.F.R. 257.50(i).) Thus, federal law does not prohibit the disposal of CCRs in a permitted MSWLF that operates in full compliance with the criteria for MSWLFs, set forth at 40 CFR Part 258, or the use of CCRs as daily cover at such a permitted landfill.
- States (and the Commonwealth of Puerto Rico) are free to establish more stringent requirements if they wish.